

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL CHARLES WARD, #128267

Petitioner,

v.

CASE NO. 03-cv-727701/72858-DT  
HONORABLE ARTHUR J. TARNOW  
UNITED STATES DISTRICT JUDGE

HUGH WOLFENBARGER, Warden,

Respondent.

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AFFIDAVIT OF LINDA C. WITTMANN

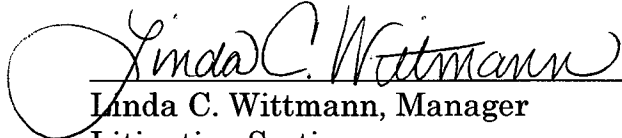
I, Linda C. Wittmann, being first duly sworn, depose and state as follows.

1. That I am the Manager of the Litigation Section of the Office of Legal Affairs for the Michigan Department of Corrections.
2. That, pursuant to a request from John S. Pallas, Assistant Attorney General, I was directed to review an attachment to a pleading filed by Michael Charles Ward, Prisoner # 128267, in this matter on June 26, 2012, to assess its authenticity and to determine how information concerning the prisoner's 1971 drug convictions appeared on the attachment, despite the redaction of the prisoner's records in compliance with this Court's orders.
3. That I have determined that the document is authentic and that it was generated through MDOC's Offender Management Network Information (OMNI) system.
4. That I determined that the document, entitled "Proof of Incarceration" was generated pursuant to a request ("kite") from prisoner Ward at the Carson City Correctional Facility where he is currently incarcerated.
5. In recreating the steps taken to generate the "Proof of Incarceration" letter at issue here using the OMNI system, I noted that, before the final step is taken to generate the letter, a window appears on the screen that states: "The information for this offender may contain data that cannot be disclosed to the public. Please review the offender's Legal Order records prior to releasing any information." Exhibit A depicts how this process works by incorporating computer screen shots.

ATTACHMENT


6. It is incumbent upon the staff person generating the letter to review the applicable legal orders and to manually remove any information that should not appear on the final generated letter concerning the prisoner's incarceration.
7. Because there is a reference to prisoner Ward's 1971 drug convictions on the letter, the staff person generating the letter apparently misunderstood the warning screen or the impact of the legal orders concerning those convictions.
8. To prevent this unintentional error from occurring in the future, MDOC Records Administrator Diana Judge, has requested the department's IT partners to reprogram the OMNI database so that non-public information concerning an inmate, that remains in the database for the sole purpose of establishing a historical record, cannot be pulled in generating "Proof of Incarceration" letters or other similar documents.
9. The Carson City Correctional Facility, where prisoner Ward is currently serving his sentence, does not retain copies of "proof of incarceration" letters generated by OMNI in any of its files concerning a prisoner.
10. Information concerning Ward's 1971 convictions is maintained in the OMNI database for historical purposes only, and is not part of any public database. Databases that are accessible to members of the public, such as MDOC's "Offender Tracking Information System" do not contain any references to prisoner Ward's 1971 convictions. See Exhibit B.
11. Based on my inquiries, the historical information contained in the OMNI system is not used or considered by the Michigan Parole Board. Rather, the OMNI screen generated for Parole Board use only shows a prisoner's current sentences and prior Parole Board actions. This OMNI screen generated for the Parole Board will not show expired or expunged convictions and sentences.

12. That, if deemed necessary, I can testify as to the facts and processes detailed above.

  
Linda C. Wittmann, Manager  
Litigation Section  
Office of Legal Affairs  
Michigan Department of Corrections

STATE OF MICHIGAN )  
 )ss  
COUNTY OF INGHAM )

Subscribed and sworn to before me  
this 29<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Ingham County, Michigan  
My commission expires: 6/9/2016

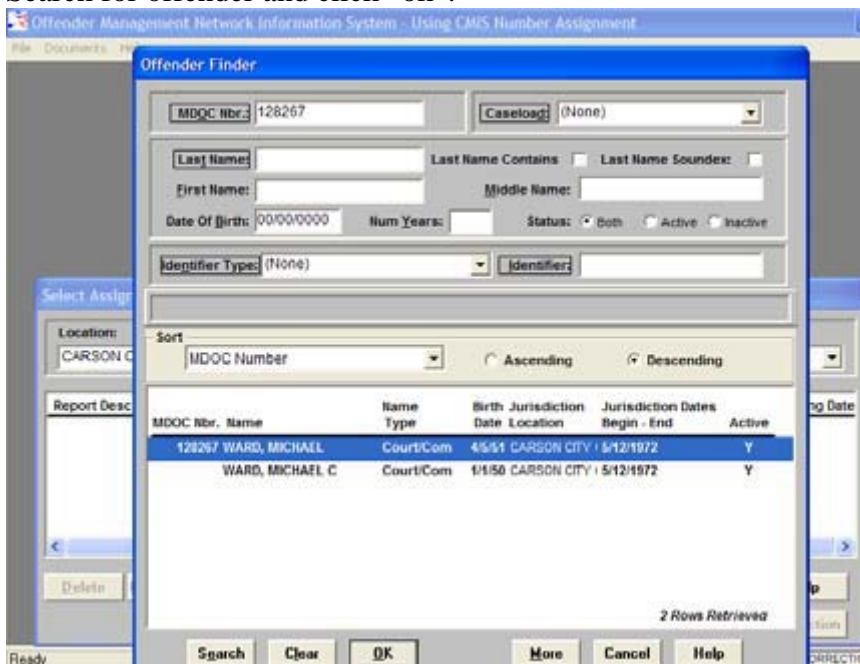
CORAL L. SAUNTO  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF INGHAM  
My Commission Expires JUNE 4, 2016

ATTACHMENT

Click on Reports Module and Reception Center Report Submodule



Search for offender and click "ok".



Reports that have been created pop up.

**Select Assigned Offender**

Location: CARSON CITY CC Employee Name: GENERAL TRANSFER MDOC Nbr.: 128267 Name: WARD, MICHAEL

Report Description	Sub type	Status	Start Date	Closing Date
Basic Information Sheet CSX-117	Narrative	Closed	10/21/2011	10/21/2011
Basic Information Sheet CSX-117	Narrative	Closed	09/19/2011	09/19/2011
Basic Information Sheet CSX-117	Narrative	Closed	08/29/2011	08/29/2011
Basic Information Sheet CSX-117	Narrative	Closed	09/06/2007	09/06/2007

Buttons: Delete Close Report Print Save As... Search... New OK Cancel Help

Open Jurisdiction

Select "New" and on 128267 Ward, a warning pops up. Click "OK".

**Select Assigned Offender**

Location: CARSON CITY CC

**Offender Finder**

The information for this offender may contain data that cannot be disclosed to the public. Please review the offender's Legal Order records prior to releasing any information.

OK

Report Description	Sub type	Status	Start Date	Closing Date
Basic Information Sheet CSX-117	Narrative	Closed	09/19/2011	09/19/2011
Basic Information Sheet CSX-117	Narrative	Closed	08/29/2011	08/29/2011
Basic Information Sheet CSX-117	Narrative	Closed	09/06/2007	09/06/2007

Buttons: Delete Close Report Print Save As... Search... New OK Cancel Help

Open Jurisdiction

Select “Verification of Incarceration Letter” and Click “OK”. Print the requested number of copies on Watermark Paper

Reception Center Report (New - WARD, MICHAEL)

Prepared By: BYRNES, COLLEEN M Prepared At: CARSON CITY CORRECTIONAL FACI Start Date: 06/27/2012

Description: Verification of Incarceration Letter Report Status: Active Close Date: 00/00/0000

Enter the report starting date

The above named offender is currently incarcerated with the Michigan Department of Corrections. The offender is currently serving on the charge(s) listed below, that do not have a termination date.

	Term	Charge	Sentence Date	Termination Date
3	Life to Life	Controlled Substance	05/08/81	
2	2y6m-4y	Vio Drug Law, 335.341	02/10/71	09/14/04
1	2y6m-10y	Vio Drug Law, 335.341	02/10/71	09/14/04

For further information regarding this offender you may log in to the MDOC OTIS website at <http://www.michigan.gov/corrections>. This website will provide further details regarding the offender including location, earliest release and maximum dates, alias names, identifiers, as well as an offender photo.

Click Close and OMNI asks if you'd like to save the Report, click “no” and the report closes.

Reception Center Report (New - WARD, MICHAEL)

Save changes?

Yes No Cancel

The above named offender is currently incarcerated with the Michigan Department of Corrections. The offender is currently serving on the charge(s) listed below, that do not have a termination date.

	Term	Charge	Sentence Date	Termination Date
3	Life to Life	Controlled Substance	05/08/81	
2	2y6m-4y	Vio Drug Law, 335.341	02/10/71	09/14/04
1	2y6m-10y	Vio Drug Law, 335.341	02/10/71	09/14/04





# Corrections



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## BIOGRAPHICAL INFORMATION



MDOC Number:	128267
SID Number:	0661454H
Name:	MICHAEL WARD
Racial Identification:	White
Gender:	Male
Hair:	Brown
Eyes:	Brown
Height:	5' 9"
Weight:	164 lbs.
Date of Birth:	04/05/1951 (61)
Image Date:	5/18/2009

MICHAEL WARD

## MDOC STATUS

Current Status:	Prisoner	Earliest Release Date:	LIFE
Assigned Location:	<a href="#">Carson City Correctional Facility</a>	Maximum Discharge Date:	LIFE
Security Level:	II		

## ALIASES

MICHAEL C WARD

## MARKS, SCARS & TATTOOS

Scar- Abdomen

## PRISON SENTENCES

### ACTIVE

#### Sentence 1

Offense:	Controlled Substance - Del/Manuf. - Narc/Coc 650G or More	Minimum Sentence:	LIFE
MCL#:	<a href="#">333.74012A1</a>	Maximum Sentence:	LIFE
Court File#:	7913902-FY	Date of Offense:	03/21/1979
County:	Washtenaw	Date of Sentence:	05/08/1981
Conviction Type:	Jury		

### INACTIVE

None

## PROBATION SENTENCES

### ACTIVE

None

### INACTIVE

None

## SUPERVISION CONDITIONS

None

MICHIGAN DEPARTMENT OF CORRECTIONS



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**EXHIBIT B TO ATTACHMENT**